

REMARKS

The Office Action dated July 9, 2004 has been carefully considered. In reply, and as set forth more fully hereinafter, the specification has been amended to address the examiner's objection to the drawings with respect to the reference character "CA" and to correct an informality noted with respect to the identification of the parent application.

Further in reply, claim 1 is amended to more clearly distinguish applicants' wrench from that disclosed in patent 460,230 to Gunnarson. Accordingly, reconsideration and allowance of claims 1, 4 and 7 is respectfully requested.

With regard first to the objection to the drawings, the reference character "CA" has been cancelled from page 8 of the specification and, accordingly, need not be shown in the drawings. Further with regard to the specification, it is noted that applicants incorrectly identified the filing date of parent application Serial No. 10/144,122 in the transmittal papers filed with the present application. By the foregoing amendment, the correct filing is inserted on page 1 of the specification.

With regard to the rejection of claims 1, 4 and 7 under 35 U.S.C. § 102(b) as being anticipated by Gunnarson, claim 1 is amended herein to set forth that applicants' wrench is for gripping any one of a plurality of workpieces in a progressive sequence of different diameters. As stated by the examiner, Gunnarson discloses nine workpieces and thus a progressive sequence of nine different diameters. As shown in applicants' exhibits 1-7 which are of record, there is not just one discrete tooth corresponding to each of the nine workpieces to provide single tooth contact therewith. It is respectfully submitted that applicants' exhibits clearly show at least the possibility of more than one tooth engaging the workpieces of Gunnarson in all of the locations with the

exception of Figure 1 of Exhibit 1 at location 1, in Figure 3 of Exhibit 1 at location 3, and in Exhibits 4 and 5. Therefore, Gunnarson does not provide a discrete tooth for providing just single tooth contact with a different one of each of the plurality of cylindrical workpieces in a progressive sequence of different diameters as is now clearly set forth in claim 1. Therefore, it is respectfully submitted that claim 1 patentably distinguishes from Gunnarson and is allowable.

Further in support of applicants' contention of patentability over the disclosure of Gunnarson, and contrary to the examiner's assertion, teeth 50 between certain of applicant's discrete teeth T1-T7 do not simultaneously engage a workpiece with one of the adjacent discrete teeth. In this respect, and as is clearly set forth in the specification at page 5, lines 13-17, applicants' teeth 50 are not necessary and are provided to promote the gripping capability of the wrench with regard to pipe fittings, rod and other objects and workpieces in addition to the series of pipes. With further regard to the fact that applicants do not disclose multiple tooth contact with a pipe of given diameter, it is again clearly set forth on page 5 of the specification, beginning at line 7, and with respect to Figure 4, that each of the discrete teeth T1-T7 is for a respective one of the series of pipes from 3/8 inch to 2 inch diameter.

In further support of applicants' position regarding patentability over Gunnarson, it is respectfully submitted that the examiner's reliance on an exploded view of Gunnarson's drawing, submitted by the examiner as "ATTACHMENT 'A'" is inappropriate. In this respect, the examiner's attention is directed to *In re Wright*, 193 USPQ 332, 335 (CCPA 1977) wherein the court, citing *In re Chitayat*, 161 USPQ 224, 226 (CCPA 1969), stated that arguments based on measurements in drawings are of little value absent written description in the specification of quantitative values. In *In re Chitayat* (supra), the court referenced its holding in *In re Wilson, et al.*,

136 USPQ 188, 192 (1963) that an argument based on an enlargement of a small drawing never intended to show the dimensions of anything is not persuasive. In addition to the discrepancies in the drawings of Gunnarson referred to above, there is absolutely no reference whatsoever in the specification of Gunnarson to a plurality of discrete teeth each for engaging a workpiece of different diameter in a series of workpieces having a progressive sequence of different diameters. To the contrary, Gunnarson's design is based on the teeth m and n which are decreased in size toward the corner 1 and the only reference to the design of jaw B is that it will have a curvature which provides for the same angle of leverage c-i-1 from a line drawn through the pivot c to the center of each pipe.

For all of the foregoing reasons, it is respectfully submitted that claim 1 patentably distinguishes from Gunnarson and is allowable, together with claims 4 and 7 which are dependent therefrom.

An earnest effort has been made to place this application in condition for allowance, and reconsideration and allowance is respectfully solicited.

Respectfully submitted,

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